

## United States District Court


Western

DISTRICT OF

Texas

FILED

MAY 03 2010

CLERK, U.S. DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
BY  DEPUTY CLERK

UNITED STATES OF AMERICA

v.

Steven Payne

## CRIMINAL COMPLAINT

CASE NUMBER:

EP 10 M-2729-G

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about April 29, 2010 in El Paso county, in the **Western District of Texas**, defendant did,

(Track Statutory Language of Offense)

travel interstate with the intent to engage in illicit sexual conduct with an individual who has not attained the age of 18.

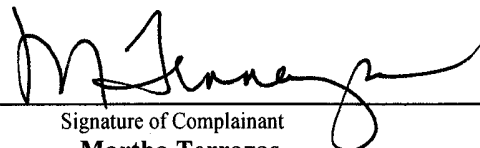
in violation of Title 18 United States Code, Section(s) 2423(b).

I further state that I am a(n) Special Agent, FBI and that this complaint is based on the following facts:

Official Title

See Attached Probable Cause Affidavit hereby incorporated by reference as if fully restated herein.

Continued on the attached sheet and made a part hereof:

☒ Yes ☐ No


Signature of Complainant

Martha Terrazas

Special Agent

FBI

Sworn to before me and subscribed in my presence,

May 3, 2010

at

El Paso, Texas

Date

City and State

Margaret Leachman, U.S. Magistrate Judge  
Name & Title of Judicial Officer

  
Signature of Judicial Officer

**SEALED**  
**PROBABLE CAUSE AFFIDAVIT**

I, Steven Bennett, hereinafter referred to as Complainant, having been duly sworn, depose and state as follows:

1. Complainant is a Special Agent of the Federal Bureau of Investigation (FBI). Complainant is an investigative or law enforcement officer of the United States of America within the meaning of Title 18, United States Code (USC), Section 2510(7), that is an officer of the United States who is empowered by law to conduct investigation of, and make arrests for, offenses enumerated in Title 18.
2. While working in an online undercover capacity with the FBI and El Paso Police Department on April 22, 2010, Detective Robert Hanner of the El Paso Police Department signed into Yahoo! Instant Messenger using an undercover account so that he could access Yahoo! Chat groups and rooms. Complainant was posing as a fifteen (15) year old female from El Paso, Texas. Complainant used the name Iris Garcia and the screen name "elpaso\_high\_chic". Yahoo, Inc. is located at 701 First Avenue, Sunnyvale, California. The users of Yahoo, Inc. Internet services will utilize the Yahoo server based in Sunnyvale, California.
3. Using the undercover account, complainant entered a Yahoo! chat group. A chat group is type of instant messaging where one user or member of the group can communicate to all the members of a specific group, or type an individual message to one member or user in the group. Chat groups are based on special interests such as hobbies.
4. After joining the group Romance->By Location->New Mexico, the name "elpaso\_high\_chic" appeared on the chat group user list. The chat group user list shows all the users/members in the chat room at one time. Shortly after joining the group "elpaso\_high\_chic" was approached for individual chat by "nmsingleman43." The entire group cannot see the individual chat messages. They can only be seen by the two (2) users/members communicating with each other. Individual chat messages can be initiated by any one user/member in the group.
5. "Nmsingleman43" and "elpaso\_high\_chic" engaged in online instant message chat sessions for approximately one (1) week. "Elpaso\_high\_chic" informed "nmsingleman43" that "elpaso\_high\_chic" was a fifteen (15) year old female. "Nmsingleman43" informed "elpaso\_high\_chic" that he was forty-five (45) years old. "Nmsingleman43" stated that he was from Las Cruces. "Nmsingleman43" identified himself as Steve Payne, an adult male. "Nmsingleman43" hereinafter referred to as Steve Payne, engaged in sexually explicit conversation with "elpaso\_high\_chic." On multiple occasions Steve Payne expressed his desire to engage in sexual conduct with "elpaso\_high\_chic."

Following is a chat session from April 22, 2010:

6. On April 29, 2010, while chatting with "elpaso\_high\_chic", Steve Payne arranged to meet for sexually explicit activity a block away from what Steve Payne believed to be "elpaso\_high\_chic's" apartment located at the Edgemere Apartments on 6770 Edgemere, El Paso, Texas. Steve Payne stated that he was driving from Alamogordo, NM, and would arrive at about 2:45 P.M. to pick "elpaso\_high\_chic" up. Steve Payne stated he would be driving a white Taurus.

7. On April 29, 2010 at approximately 2:30 P.M. a vehicle matching the description with New Mexico licences plates was observed in the vicinity of the Edgemere Apartments, located on 6770 Edgemere, El Paso, TX. A vehicular stop was executed, and Steve Payne was taken into custody by agents of the FBI and El Paso Police Department Detectives.

8. FBI Special Agents advised Steve Payne of his Miranda rights which he waived and agreed to provide a statement without the presence of an attorney. Steve Payne stated that he had been chatting with "elpaso\_high\_chic" for a week. Steve Payne thought that "elpaso\_high\_chic" was joking, and that she would not show. Steve Payne did not recall the age of "elpaso\_high\_chic." Steve Payne stated that he lived in Las Cruces, NM <met "Jennifer Rios" online in a Yahoo Chat room title New Mexico about three (3) weeks ago. Steve Payne initialed off on images that he had sent "elpaso\_high\_chic", including one of his face and penis. Steve Payne was then shown chat logs between him and "elpaso\_high\_chic", to which he stated that he wanted a lawyer present before he initialed off on them. At that time, FBI Agents ended the interview.

9. Based on the above information, Complainant believes that there is probable cause to believe that Steve Payne committed acts in violation of Title 18 U.S.C. 2423(b) (Travel with the intent to engage in illicit sexual conduct with a minor).